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Australian Government
Department of Immigration and Border Protection

Submission

For decision

PDMS Ref. Number MS15-016866

To Minister for Immigration and Border Protection

Subject Ministerial intervention under section 195A of the *Migration Act 1958* in relation to s. 47F(1)

Timing

Recommendation

That you:

1. agree to intervene under section 195A of the *Migration Act 1958* to grant s. 47F(1) a Tourist visa (subclass 600);

- if agreed, please sign the decision documentations at Attachment A.

intervene / decline to
intervene

Minister for Immigration and Border Protection

Signature

Date: 17/06/2015

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Freedom of Information Act 1982

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Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

s. 47F(1)

s. 47F(1)

s. 47F(1)

4. Your office has requested that s. 47F(1) case be referred to you for consideration under section 195A of the Act.

Option for future management

5. Your non-compellable power under section 195A is enlivened in s. 47F(1) case as she is in immigration detention.

Ministerial intervention under section 195A

6. If you are inclined to intervene in s. 47F(1) case under section 195A of the Act, the Department considers the grant of a Tourist visa (subclass 600), with the same conditions as the eVisitor visa s. 47F(1) held as the appropriate option. The Tourist visa would be granted with an 'enter before date' of 9 December 2015 and would allow s. 47F(1) to remain in Australia for a period of three months at a time.

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7. The Department also recommends placing the same conditions on the Tourist visa, as were attached to her eVisitor visa (conditions 8115, 8201, 8527 and 8528).

8. If you agree to intervene, please sign the decision documentation at Attachment A.

Decline to intervene

9. Should you not agree to intervene in s. 47F(1) case, she is liable to be removed from Australia.

Consultation – internal/external

10. Your office, Brisbane Airport Staff

Consultation – Secretary/CEO

11. This submission has not been cleared by the Department's Secretary, Deputy Secretaries or the CEO of the Australian Customs and Border Protection Service.

Client service implications

12. There are minimal client service implications.

Sensitivities

13. N/A

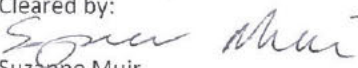
Financial/systems/legislation/deregulation implications

14. N/A

Attachments

Attachment A Section 195A decision documentation

Attachment B Cancellation decision record

Authorising Officer Cleared by:  Suzanne Muir A/g Assistant Secretary Caseload Assurance Branch Date: 17/06/2015 Ph: s. 47F(1)	Released by DIBP under the Freedom of Information Act 1982
Contact Officer s. 47F(1) Director, Complex Case Resolution Section, Ph: s. 47F(1) CC Acting Deputy Secretary, Kruno Kukoc FAS, CPD Manager, Qld Airports	

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**EXERCISE OF MINISTERIAL DISCRETION
UNDER SECTION 195A OF THE *MIGRATION ACT 1958***

- STATEMENT TO PARLIAMENT -

Exercising my powers under section 195A of the *Migration Act 1958* (the Act), I have decided to grant a visa under this section.

1. This person is detained under section 189 of the Act as an unlawful non-citizen.
2. Having regard to this person's particular circumstances and personal characteristics, I have decided to exercise my discretionary powers under section 195A of the Act as it would be in the public interest to grant this person a visa.
3. In the circumstances, I have decided that as a discretionary and humanitarian act to an individual with ongoing needs, it is in the interests of Australia as a humane and generous society to grant this person a Tourist visa (subclass 600).



HON PETER DUTTON MP

Minister for Immigration and Border Protection

17/6/2015

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**EXERCISE OF MINISTERIAL DISCRETION
UNDER SECTION 195A OF THE *MIGRATION ACT 1958***

- DECISION INSTRUMENT -

Name: s. 47F(1)
Date of birth
Client ID:

1. The above person is in immigration detention under section 189 of the *Migration Act 1958* (the Act) and I have considered their case under section 195A of the Act.
2. I have determined that it is in the public interest to grant this person a Tourist visa (subclass 600).
3. I therefore exercise my power under section 195A of the Act to grant a Tourist visa (subclass 600) in favour of this person.



HON PETER DUTTON MP
Minister for Immigration and Border Protection

17/6/2015

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Australian Government

Department of Immigration and Border Protection

Submission

For decision

PDMS Ref. Number MS15-027915

To Minister for Immigration and Border Protection

Subject Ministerial intervention under section 195A of the *Migration Act 1958* in relation to s. 47F(1)
s. 47F(1)

Timing

Recommendation

That you:

1. agree to intervene under section 195A of the *Migration Act 1958* to grant s. 47F(1) a Visitor visa (subclass 600) for a period of three months;
- indicate whether you wish to impose condition 8101;
- if agreed, please sign the decision documentations at Attachment A.

Intervene / decline to
Intervene

impose / not impose

Minister for Immigration and Border Protection

Signature.....

01/11
Date:...../...../2015

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Minister's Comments

Rejected Yes/No	Timely Yes/No	Relevance	Length	Quality
		<input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	<input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. s. 47F(1) [REDACTED]
2. s. 47F(1) [REDACTED]
3. s. 47F(1) [REDACTED]
4. s. 47F(1) [REDACTED]
5. s. 47F(1) [REDACTED]
6. Your office has requested that s. 47F(1) case be referred to you for consideration under section 195A of the Act.

Option for future management

7. Your non-compellable power under section 195A is enlivened in **s. 47F(1)** case as she is in immigration detention.

Ministerial intervention under section 195A

8. If you are inclined to intervene in **s. 47F(1)** case under section 195A of the Act, the Department considers the grant of a Visitor visa (subclass 600), for a period of three months will facilitate this. However, there are clear indications that **s. 47F(1)** is intending to work in Australia and thus, the grant of a Visitor visa is of high risk.
9. It is open to you to impose condition 8101 – *the holder must not engage in work on s. 47F(1)*. Should you wish to impose condition 8101, the Department will advise **s. 47F(1)** that she cannot work, nor do volunteer work and that should she engage in any work she will be liable for cancellation. The ABF also notes that **s. 47F(1)** has been counselled previously with respect to work restrictions, when suspicions with respect to her intentions were aroused on her previous arrival. On 31OCT2015 she also advised ABF officers of her intention to work during her intended stay in Australia on this occasion.
10. If you agree to intervene, please sign the decision documentation at **Attachment A**.

Decline to intervene

11. Should you not agree to intervene in **s. 47F(1)** case, she is liable to be removed from Australia.

Consultation – internal/external

12. Your office, Detention and Compliance Operations and Query? Brisbane is not involved in this. Should this be ABF Regional Command Central

Consultation – Secretary/CEO

13. This submission did not involve consultation with the Department's Secretary or Deputy Secretaries, or the Australian Border Force Commissioner or Deputy Commissioners.

Client service implications

14. There are minimal client service implications.

Sensitivities

15. N/A

Financial/systems/legislation/deregulation implications

16. Where the Department seeks to alter arrangements once the "Notice to Remove" under s217 has been served, there is a risk that the removal costs will no longer be met by the airline and that they will instead fall on the Department. In the time available, we are unable to establish the extent of any further liability which may result from a decision to overturn or defer the removal.

Attachments

Attachment A Section 195A decision documentation

Attachment B Cancellation decision record

Authorising Officer
 Cleared by: Peter Richards Assistant Secretary Caseload Assurance Branch Date: Ph: S. 47F(1)

Contact Officer S. 47F(1), Director, Complex Case Resolution Section, Ph: S. 47F(1)

CC FAS, CPD
 Manager, Qld Airports

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EXERCISE OF MINISTERIAL DISCRETION
UNDER SECTION 195A OF THE *MIGRATION ACT 1958*

- DECISION INSTRUMENT -

Name: s. 47F(1)

Date of birth: s. 47F(1)

Client ID: s. 47F(1)

1. The above person is in immigration detention under section 189 of the *Migration Act 1958* (the Act) and I have considered their case under section 195A of the Act.
2. I have determined that it is in the public interest to grant this person a Visitor visa (subclass 600) for a period of three months.
3. I therefore exercise my power under section 195A of the Act to grant a Visitor visa (subclass 600) for a period of three months in favour of this person.



HON PETER DUTTON MP

Minister for Immigration and Border Protection

01/11/2015

**EXERCISE OF MINISTERIAL DISCRETION
UNDER SECTION 195A OF THE *MIGRATION ACT 1958***

- STATEMENT TO PARLIAMENT -

Exercising my powers under section 195A of the *Migration Act 1958* (the Act), I have decided to grant a visa under this section.

1. This person is detained under section 189 of the Act as an unlawful non-citizen.
2. Having regard to this person's particular circumstances and personal characteristics, I have decided to exercise my discretionary powers under section 195A of the Act as it would be in the public interest to grant this person a visa.
3. In the circumstances, I have decided that as a discretionary and humanitarian act to an individual with ongoing needs, it is in the interests of Australia as a humane and generous society to grant this person a Visitor visa (subclass 600) for a period of three months.



HON PETER DUTTON MP
Minister for Immigration and Border Protection

01/11/2015

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Freedom of Information Act 1982

EXERCISE OF MINISTERIAL DISCRETION
UNDER SECTION 195A OF THE *MIGRATION ACT 1958*

- DECISION INSTRUMENT -

Name: s. 47F(1)
Date of birth: s. 47F(1)
Client ID: s. 47F(1)

1. The above person is in immigration detention under section 189 of the *Migration Act 1958* (the Act) and I have considered their case under section 195A of the Act.
2. I have determined that it is in the public interest to grant this person a Visitor visa (subclass 600) for a period of three months.
3. I therefore exercise my power under section 195A of the Act to grant a Visitor visa (subclass 600) for a period of three months in favour of this person.

HON PETER DUTTON MP
Minister for Immigration and Border Protection

/ / 2015